

REMARKS

Claims 1-10, 13-26, 29 and 31-34 are pending.

Claims 1-10, and 13-22 and 29 are allowed.

Claims 23, 25-26 and 31-33 are rejected.

Claim 34 is objected.

Claim Objections

Claim 34 is objected to for depending upon a rejected base claim 23. Applicant has amended independent claim 23 to include that rotatable threaded shaft for moving the metering element. Applicant respectfully requests entry of the amendment, reconsideration and removal of the objection of claim 34, which now depends upon an allowable base claim.

Rejections Under 35 USC 102

Claims 31 and 32 are rejected under 35 U.S.C. 102(b) as being unpatentable over U.S. Pat. No. 401,950 to Haussman. Independent claim 31 has been amended to more particularly point out the claimed invention by including the element of a rotatable threaded shaft for translationally moving the metering element. The Haussman '950 patent is silent regarding rotation of a threaded shaft to precisely meter fluids. The applicant respectfully requests reconsideration and removal of the anticipation rejection because the '950 patent fails to teach each and every element of amended claim 31 and dependent claim 32.

Rejections Under 35 USC 103

Claims 23, 25-26 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 401,950 to Haussman. Independent claim 23 has been amended to more particularly point out the claimed invention by including the element of a rotatable threaded shaft for translationally moving the metering element.

The Haussmann '950 patent teaches a plunger that is depressed to translate the roller and meter the fluid, whereas the instant invention uses rotation of a threaded shaft to precisely meter an exact dosage because the instant invention has a consistent and known movement that corresponds to every rotation. The '950 patent has a shaft with gradations on it that is metered by hand pressure by linearly depressing the shaft to translate the roller on the metering element to cause a peristaltic dispensing of fluid. The applicant argues that the '950 patent is not a precise as claimed by the applicant because the depression of a shaft can allow for imprecise measuring because of application of too much pressure unintendedly releasing extra material.

The '950 patent does not disclose rotation of a threaded shaft to precisely advance the metering element and therefore it does not teach or suggest applicants independent claims 23 and 31. Claims 23 and 31 as amended is allowable because each and every element of the claims are not present in the reference. The cited art fails to teach the amended item of the rotational threaded metering translation element present in independent claims 23 and 31, and therefore fails to form a prime facie case of obviousness. The applicant respectfully requests reconsideration and removal of the obviousness rejection of claims 23, 25-26, 31 and 33.

CONCLUSION

Accordingly, based on the preceding arguments, Applicant respectfully requests that the entire application, is in condition for allowance and therefore request favorable action. However, should the Examiner believe anything further is necessary in order place the application in better condition for allowance, or if the Examiner believes that a telephone interview would be advantageous to resolve the issues presented, the Examiner is invited to contact the Applicant's undersigned representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 19-0513.

Date: December 23, 2007

Respectfully submitted,

/Jeffrey D. Washville/
Jeffrey D. Washville
Registration No. 46,366

Customer # 5409
Schmeiser, Olsen & Watts
22 Century Hill Drive, Suite 302
Latham, New York 12110
(518) 220-1850